

REMARKS/ARGUMENTS

Claims 1-3, 5-11, 13-17, and 19-25 are pending in the application. By this Amendment, claims 1, 5, 7-8, 10, 14, 17 and 19 are amended, new claims 22-25 are added, and claims 4 and 12 are canceled without prejudice or disclaimer of the subject matter therein. It is believed that no new matter has been introduced into the application. Support for the claims can be found throughout the original specification, including the original claims, and the drawings. Reconsideration of the application is respectfully requested for at least the following reasons.

Applicant thanks the Examiner for the indication that claims 12 and 17 contain allowable subject matter. However, for at least the following reasons, Applicant respectfully submits that all pending claims are in condition for allowance.

A. The Office Action, at page 2, rejects claims 1-4 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,662,023 to Helle. The Office Action, at page 4, rejects claims 5-11 and 13 under 35 U.S.C. § 103(a) as unpatentable over Helle in view of U.S. Patent No. 6,289,214 to Backstrom. The Office Action, at page 9, rejects claims 14-16 and 19-21 under 35 U.S.C. § 103(a) as unpatentable over Helle in view of Backstrom and in further view of U.S. Patent No. 6,198,929 to Krishnamurthi et al. (hereinafter "Krishnamurthi"). Because the references, individually or in combination, fail to disclose or suggest recited features of the claims, the rejections are respectfully traversed.

1. With respect to claims 5-7, independent claim 5 is directed to a method for preventing use of a mobile communication terminal, including features of turning off a display power by the terminal. Applicant respectfully submits that at least such features are not disclosed or suggested by Helle, Backstrom, or the combination thereof.

The Office Action, at page 5, acknowledges that Helle does not teach turning off LCD power by the terminal. However, the Office Action asserts that Backstrom discloses SMS deactivation which corresponds to a "turning off" message being communicated to a remote mobile radiotelephone. The Office Action concludes that it would have been obvious to one of ordinary skill in the art to modify the method of Helle by Backstrom to include a keyword command that instructs the terminal to be turned off to prevent usage thereof. For at least the following reasons, Applicant respectfully submits that the Office Action fails to establish a *prima facie* case of obviousness for claim 5 based upon the suggested combination.

As stated in MPEP § 2143.01, if a proposed modification or combination of references would render the prior art invention being modified unsatisfactory for its intended purpose, then no motivation or suggestion exists to combine the references. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed.Cir.1984). Applicant respectfully submits that combining the references in the manner suggested by the Office Action would render the method of Helle unsatisfactory for its intended purpose and thus the requisite motivation or suggestion to combine the references is lacking.

In more detail, Applicant respectfully submits that Helle is directed to a method and apparatus for controlling a mobile phone when the mobile phone has been lost or stolen to prevent its use “except to help the owner find it.” Abstract and column 1, lines 45 and 46 (emphasis added). The means for accomplishing the intended purpose of Helle to enable recovery of the phone, are 1) displaying contact information on the screen of the mobile phone, 2) allowing only a displayed contact number and emergency numbers to be called from the mobile phone, and 3) transmitting location and phone usage information from the mobile phone. Abstract and column 1, lines 49-58. Accordingly, Helle discloses a mobile phone 10 that includes security and control modules 28 having an owner information display module 52, a remote-controlled secure mode module 54, and a status message module 56. See Figures 1 and 2.

As disclosed in Helle, the owner information display module 52 displays messages with owner information in the mobile telephone, and allows limited use of the mobile phone to place calls to the displayed number (as well as emergency calls). Column 3, lines 10-34. The remote-controlled secure mode module 54 limits use of the mobile phone for placement of calls to the displayed number. The status message module 56 sends phone location or usage data upon receiving a request. Column 4, lines 53-55 and 65-67, and column 5, lines 8-10. Thus, Applicant respectfully submits that every method disclosed for controlling the mobile phone to prevent its use and enable its recovery, requires that the phone be able to display messages.

Applicant respectfully submits that Backstrom appears to disclose deactivating a cellular radio telephone system 520a ... 520n that each include a cellular radio exchange (CRE) and a plurality of radio heads (base stations) by sending a SMS e-mail including a deactivation message to the CRE using a protocol other than TCP/IP to deactivate the cellular radio telephone system. See the Abstract, Figure 5 and claim 1 of Backstorm. Another exemplary radio telephone system includes a wireless office system that can be located in a building to provide cellular radio telephone communication among cellular telephones located in the building. See column 1, lines 23-35 of Backstorm. Applicants respectfully submit that the teaching of Backstorm to deactivate a telephone system using an SMS message, when combined with the disclosure in Helle would include deactivating a telephone system having multiple mobile telephones with the one lost mobile phone in Helle when the one mobile phone is lost.

2. Further, Applicant respectfully submits that Helle and Backstorm individually or in combination, do not disclose at least features of analyzing the received SMS message and turning off a display power by the mobile communication terminal, and storing an indication to keep the display power off while maintaining power to remaining portions of the mobile communication terminal and combinations thereof as recited in claim 5.

Applicant respectfully submits that Figure 1 in Helle discloses telephone communication network 11 and mobile phone 10, which includes signal processor 12, antenna module 14, display module 16, position location module 18, microphone/ear piece module 20, read only

memory 22, keyboard module 24, random access memory 26, and security and control modules 28. Applicant respectfully submits that the disclosure in Backstrom to deactivate a radio telecommunication system does not teach or suggest modifications to the disclosure in Helle to deactivate a single mobile phone 10, let alone one particular component such as a display module 16 in the mobile phone 10 while maintaining power to remaining portions of the mobile phone 10.

Thus, Applicant respectfully submits that the combination of Helle and Backstorm would not result in at least features of analyzing the received SMS message and turning off a display power by the mobile communication terminal and storing an indication to keep the display power off while maintaining power to remaining portions of the mobile communication terminal and combinations thereof as recited in claim 5.

For at least the reasons set forth above, Applicant respectfully submits that claim 5 is allowable. Claim 19 is allowable for at least reasons similar to claim 5. Claims 1 and 14 are allowable for at least reasons similar to claim 5. Claims 2-4, 6-7, 15-16 and 20-21 depend from claims 1, 5, 14 and 19, respectively, and are allowable for at least the same reasons, as well as additional patentable features recited therein and the combinations thereof. Claim 4 is canceled with our prejudice or disclaimer. Withdrawal of the rejection is thus respectfully requested.

3. With respect to claims 8-13, Applicant respectfully submits that subject matter indicated as allowable in claim 12 is incorporated in independent claim 8 for the sole purpose of expediting prosecution of the application. Therefore, claim 8 defines patentable subject matter.

For at least the above reasons, Applicant respectfully submits that claim 8 is allowable. Claims 9-13 depend, directly or indirectly, from claim 8, and thus are allowable for at least the same reasons, as well as additional patentable features recited therein and the combinations thereof. Claim 12 is canceled without prejudice or disclaimer. Withdrawal of the rejection is thus respectfully requested.

For at least the reasons set forth above, withdrawal of the rejection of claim 1-4 under §102 and claims 5-11, 13-16 and 18-21 under §103 is respectfully requested.

B. Applicant respectfully submits that claims 22-25 are newly added and believed to be in condition for allowance. Allowance of claims 22-25 are thus earnestly solicited.

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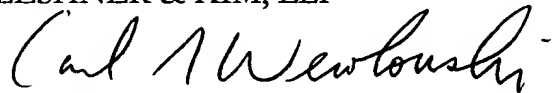
Docket No. P-0287

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Carl R. Wesolowski**, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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